IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:10CV33-03-MU

DEWAYNE LEE ANTHONY,)	
Plaintiff,)	
v.)	D
JOHN HARVEY SMITH,) ORDE	<u>K</u>
Defendant.)	
)	

THIS MATTER is before this Court upon Defendant's Motion to Dismiss (Document No.20.) It appears that the Defendant may be entitled to have his Motion to Dismiss granted.

PETITIONER ANTHONY READ THIS:

You now have the opportunity to reply to the Defendant Smith's Motion. You may <u>not</u> allege new facts surrounding the events in question as part of your reply. You should base your reply and argument(s) solely on the matters set forth in your original <u>Complaint</u> and/or those set forth in the Defendant Smith's Motion to Dismiss.

You are further advised that you have twenty (20) days from the filing of this Order in which to file your reply in opposition to the Defendant's Motion to Dismiss. **FAILURE TO RESPOND WITHIN THIS TIME PERIOD MAY SUBJECT THIS ACTION TO DISMISSAL.**

NOW, THEREFORE, IT IS HEREBY ORDERED that the Plaintiff has twenty (20) days from the filing of this Order in which to provide a response to Defendant Smith's Motion to

Dismiss. IT IS FURTHER ORDERED that Plaintiff's Motion to Dismiss Defendant's Motion for Extension of Time (Doc. No. 19) is DISMISSED as MOOT

SO ORDERED.

Signed: July 1, 2010

Graham C. Mullen United States District Judge